

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

SCOTT FOWLER, :
 :
 Petitioner : **CIVIL ACTION NO. 3:21-1775**
 :
 v. : **(JUDGE MANNION)**
 :
 WARDEN USP-LEWISBURG, :
 :
 Respondent :

ORDER

Pending before the court is the report of United States Magistrate Judge Martin C. Carlson which recommends that the pending petition for writ of habeas corpus brought pursuant to 28 U.S.C. §2241 be denied. (Doc. 10). No objections have been filed to Judge Carlson's report. Upon review, the report and recommendation will be adopted in its entirety as the opinion of the court.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. Fed.R.Civ.P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges

should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

The instant petition was filed challenging two separate disciplinary proceedings brought against the petitioner charging him with assaulting staff members while he was an inmate confined at the Federal Correctional Institution at Fairton. Upon review of the record and after setting forth the law applicable to such matters, Judge Carlson determined initially that the petitioner failed to exhaust his administrative remedies prior to filing the instant action. Moreover, Judge Carlson found that the petitioner's claims of procedural and substantive due process violations failed on their merits.

Neither party has filed objections to Judge Carlson's report. The court has reviewed the record and Judge Carlson's report and finds no clear error. Moreover, the court agrees with the sound reasoning which led Judge Carlson to his conclusions. Therefore, the court will adopt the report and recommendation in its entirety as the opinion of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1) The report and recommendation of Judge Carlson (**Doc. 10**) is
ADOPTED IN ITS ENTIRETY AS THE OPINION OF THE COURT.
- (2) The instant petition for writ of habeas corpus (**Doc. 1**) is **DENIED.**
- (3) The Clerk of Court is directed to **CLOSE THIS CASE.**

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: February 12, 2024

21-1775-01